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From: Don't Waste Arizona
Sent: Fri 5/27/2016 7:02:35 PM
Subject: Don't Waste Arizona's (DWAZ) EJ2020 Comments on the draft EJ 2020 Action Agenda

VIA EMAIL TO ejstrategy@epa.gov

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Re: Don't Waste Arizona's (DWAZ) EJ2020 Comments on the draft EJ 2020 Action Agenda

Don't Waste Arizona, Inc. (DWAZ) is a non-profit environmental organization dedicated to the protection and preservation of the environment in Arizona. DWAZ is especially concerned about environmental justice, civil rights protections, and air pollution and toxics issues. DWAZ is headquartered at 2934 West Northview Avenue, Phoenix, AZ 85051, and may be reached at (602) 881-3305

Overall, DWAZ believes this is all great work. The review of the Legal Tools raises a few issues, however.

It dodges the reality of what happens over and over with delegated programs that actually allow the state, tribal, and local government agencies to ignore statutes, rules, and policies and also allows these entities to refuse to enforce the laws and/or rules. This is indeed a nationwide problem, and mostly EPA stands by and allows this to happen. When I attended the March 2014 *Clean Air Act Rulemaking and Permitting Training for*

EJ Communities conference in Raleigh, it was stunning news to EPA's own rule writers that SIPs are allowed that ignore the rules, and that permits are often allowed that violate the SIP and rules. It doesn't fix any problems when that occurs. But this is what the EJ community encounters over and over. DWAZ has conducted significant amounts of citizen suit enforcement, and most other EJ groups have not, but I noted that many of the issues other EJ groups/conference attendees were talking about could be alleviated or solved through

enforcement, and citizen suit would have sufficed. The other conference attendees overwhelmingly did not know that this option existed.

None of this new EJ Action Agenda matters unless EPA is willing to and able to enforce against violations and violators, even its sister agencies on the state and local level, and if EPA does not disallow state and local agencies to promulgate rules and permits that ignore federal regulations. There must be a new rule: Strict compliance with EPA's regulations in delegated agreements.

The reality is that EPA has a limited enforcement budget, and that limits its choices regarding enforcement. Educating affected populations about citizen suit enforcement, rules, processes and regulations is essential to fairness and a level playing field. This can be web enabled, but not everyone learns that way or has access to computers. The problem with most environmental permits is the process is stacked against the public in terms of time. After months of preparation, a notice of intent to issue a permit is let, with 30-60 days to comment. Any process EPA sets up to help EJ communities learn what they need to participate has to face this reality, so a response for assistance must be met within days, at the maximum.

I do have a suggestion to solve some of this: Since EPA provides funding for compliance assistance programs to the regulated community to help it understand environmental regulations, permitting processes, and permits, EPA should provide similar resources, including technical assistance, in equal amounts, to affected communities so that affected citizens/EJ communities can better understand the laws, the processes, and participate more effectively. This includes information about citizen suit enforcement, which can be the solution when EPA lacks the resources. The new technologies that have been developed regarding air pollution monitoring that vastly decrease the costs of monitoring is an example of what should be communicated to EJ communities, also.

In "Guidance on Considering Environmental Justice During the Development of Regulatory Actions," pp54, "Meaningful Involvement means that: (1) potentially affected populations have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health;" It must be understood that these affected populations must have the technical and legal information to make that informed input, and EPA should see to it that they do.

Sincerely,

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